

ASSEMBLY BILL

No. 787

Introduced by Assembly Member DeVore

February 18, 2005

An act to add Section 538h to the Penal Code, relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

AB 787, as introduced, DeVore. Veterans: impersonating a veteran: crime.

Existing law provides that any person is guilty of a misdemeanor if he or she willfully wears, exhibits, or uses, as provided, the authorized badge, photographic identification card, or insignia of, among other persons, a peace officer, an officer or member of a fire department, or a deputy state fire marshal, with the intent of fraudulently personating a peace officer, an officer or member of a fire department or the Office of the State Fire Marshal, or of fraudulently inducing the belief that he or she is a peace officer, an officer or member of a fire department or the Office of the State Fire Marshal.

This bill would additionally provide that any person who willfully wears, exhibits, or uses, as provided, the authorized badge, photographic identification card, or insignia of, or willfully presents himself or herself as, an active or retired veteran of the Armed Forces of the United States, with the intent of fraudulently personating an active or retired veteran of the Armed Forces of the United States, or of fraudulently inducing the belief that he or she is an active or retired veteran of the Armed Forces of the United States, for the purpose of personal gain or to facilitate any unlawful activity, is guilty of misdemeanor.

Because this bill would create a new crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 538h is added to the Penal Code, to
2 read:

3 538h. (a) Any person who willfully wears, exhibits, or uses
4 the authorized badge, photographic identification card, or
5 insignia of, or who willfully presents himself or herself as, an
6 active or retired veteran of the Armed Forces of the United
7 States, with the intent of fraudulently personating an active or
8 retired veteran of the Armed Forces of the United States, or of
9 fraudulently inducing the belief that he or she is an active or
10 retired veteran of the Armed Forces of the United States, for the
11 purpose of personal gain or to facilitate any unlawful activity,
12 shall be guilty of a misdemeanor.

13 SEC. 2. No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 the only costs that may be incurred by a local agency or school
16 district will be incurred because this act creates a new crime or
17 infraction, eliminates a crime or infraction, or changes the
18 penalty for a crime or infraction, within the meaning of Section
19 17556 of the Government Code, or changes the definition of a
20 crime within the meaning of Section 6 of Article XIII B of the
21 California Constitution.